

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR 15-4268-JB

CR 16-1613-JB

**ANGEL DELEON, et. al.,
ANTHONY RAY BACA, et. al.,**

Defendants.

**MOTION TO ALLOW COUNSEL TO ACCESS SEALED
PLEADINGS IN RELATED CASES**

Defendants Joe Lawrence Gallegos, Edward Troup, Leonard Lujan, Billy Garcia, Allen Patterson, Javier Alonso, Auturo Arnulfo Garcia, Jerry Montoya, Daniel Sanchez, Conrad Villegas, Anthony Ray Baca, Christopher Garcia, Carlos Herrera, Rudy Perez, Santos Gonzalez, and Shauna Gutierrez (15cr4268), and Anthony Ray Baca, Christopher Garcia, Manuel Benito, Vincent Garduno, Mandel Lon Parker, Daniel Sanchez, and Anthony Cordova (16cr1613) respectfully move the Court to allow counsel for Anthony Ray Baca to provide them copies of sealed pleadings filed in relation to the issues to be heard at the upcoming hearings scheduled for February 7-10, 2017, in the above-captioned cases. In particular, the moving defendants in Case No. 15-cr-4268-JB (Joe Lawrence Gallegos, Edward Troup, Leonard Lujan, Billy Garcia, Allen Patterson, Javier Alonso, Auturo Arnulfo Garcia, Jerry Montoya, Daniel Sanchez, Conrad Villegas, Anthony Ray Baca, Christopher Garcia, Carlos Herrera, Rudy Perez, Santos Gonzalez, and Shauna Gutierrez) request access to Documents 239, 287, 290, 295, and 296 filed in Case No. 16-cr-1613, as well as any responses and replies to those pleadings that may be

sealed. The moving defendants in Case No. 16-cr-1613 (Anthony Ray Baca, Christopher Garcia, Manuel Benito, Vincent Garduno, Mandel Lon Parker, Daniel Sanchez, and Anthony Cordova) request access to Document 762 filed in Case No. 15-cr-4268. The United States does not oppose this request. As grounds for it, defendants state as follows:

1. In Case No. 15-cr-4268-JB (*DeLeon* Case), thirty defendants are charged with various Violent Crimes in Aid of Racketeering (VICAR), contrary to 18 U.S.C. § 1959(a). In Case No. 16-cr-1613-JB (*Baca* Case), twelve defendants are charged with participating in a racketeering conspiracy, in violation of 18 U.S.C § 1962(d), and/or VICAR offenses. The indictments in both cases allege the defendants committed violent crimes in aid of the Sindicato de Nuevo Mexico (“SNM”) prison gang, which the government alleges engaged in racketeering. Three defendants, Anthony Ray Baca, Christopher Garcia, and Daniel Sanchez, are charged in both cases. Mr. Christopher Garcia is charged in a stand-alone drug case, 15-cr-4275, which alleges 6 counts of drug trafficking, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B), (C), and (D), and 18 U.S.C. § 2, Aiding and Abetting.

2. Defendants in the *DeLeon*, *Baca* and *Garcia* cases have filed motions to compel the disclosure of the identities of confidential informants who provided information disclosed in discovery. Some of these motions were filed publicly, while others were filed under seal because they included as exhibits discovery materials marked “confidential.” The “confidential” discovery was previously disclosed to counsel in both cases.

3. With the exceptions of defendants Baca, Garcia and Sanchez, defense counsel in the *DeLeon* case cannot access sealed pleadings in the *Baca* case, and vice versa, and the

DeLeon and *Baca* counsel cannot access sealed pleadings in *Garcia*.

4. This Court has scheduled four days of hearings on the pending motions in all three cases. Because defendants Baca, Garcia and Sanchez filed their discovery motions in both the 15-cr-4268 and 16-cr-1613 cases, the Court has scheduled one day (February 8, 2017) in which the defendants from both cases will appear in court together.

5. Given the interrelatedness of the charges against the defendants, the fact that defense counsel in all cases have access to the same discovery materials, and the defendants have raised similar issues in arguing that they are entitled to disclosure to the identities of particular informants, it would be helpful to the defense to have access to all pleadings related to those issues. Disclosing all relevant pleadings to all defense counsel would save time and resources by allowing counsel to incorporate work done by other counsel, rather than starting from scratch on an issue thoroughly briefed by a co-defendant's counsel. It would also enable counsel to focus their arguments in order to make the upcoming hearings more efficient.

6. Counsel in Case No. 15-cr-4268-JB are seeking access to the following sealed pleadings filed in Case No. 16-cr-1613-JB, as well as any responses and replies to those pleadings:

- a. Doc. 239
- b. Doc. 287
- c. Doc. 290
- d. Doc. 295
- e. Doc. 296

7. Counsel in Case No. 16-cr-1613-JB are seeking access to Doc. 762, filed in 15-cr-

4268.

8. Because Anthony Ray Baca is a defendant in both 15-cr-4268 and 16-cr-1613, his counsel has access to sealed pleadings in both cases. If the Court grants this motion, counsel for Mr. Baca has agreed to provide copies of the pleadings identified in the preceding paragraphs to defense counsel for the defendants who have joined in this motion.

9. On January 30, 2017, undersigned counsel conferred with counsel for the government, AUSA Matthew Beck, who stated the government does not oppose this request.

10. Counsel also conferred by email with counsel for defendants in both cases. The following defendants join this motion: Joe Lawrence Gallegos, Edward Troup, Leonard Lujan, Billy Garcia, Allen Patterson, Javier Alonso, Auturo Arnulfo Garcia, Jerry Montoya, Daniel Sanchez, Conrad Villegas, Anthony Ray Baca, Christopher Garcia, Carlos Herrera, Rudy Perez, Santos Gonzalez, and Shauna Gutierrez (15cr4268), and Anthony Ray Baca, Christopher Garcia, Manuel Benito, Vincent Garduno, Mandel Lon Parker, Daniel Sanchez, and Anthony Cordova (16cr1613). Defendants Eugene Martinez and Ruben Hernandez take no position. In her email, undersigned counsel stated that she would assume that a defendant who did not respond to her request for their position did not object to the motion and would so note. Undersigned did not receive a response to her email from the following defendants: Christopher Chavez, Benjamin Clark, Jerry Armenta, Mario Rodriquez, Timothy Martinez, Mauricio Varela, Gerald Archuleta, Robert Martinez, Roy Martinez, Andrew Gallegos, Paul Rivera, Manuel Jacob Armijo, Frderico Munoz, Sergio Loya Rodriquez, and Daniel Archuleta.

Conclusion

For the foregoing reasons, Defendants Joe Lawrence Gallegos, Edward Troup, Leonard Lujan, Billy Garcia, Allen Patterson, Javier Alonso, Auturo Arnulfo Garcia, Jerry Montoya, Daniel Sanchez, Conrad Villegas, Anthony Ray Baca, Christopher Garcia, Carlos Herrera, Rudy Perez, Santos Gonzalez, and Shauna Gutierrez (15cr4268), and Anthony Ray Baca, Christopher Garcia, Manuel Benito, Vincent Garduno, Mandel Lon Parker, Daniel Sanchez, and Anthony Cordova (16cr1613) respectfully move the Court to allow counsel for Anthony Ray Baca to provide them copies of sealed pleadings filed in relation to the issues to be heard at the upcoming hearings scheduled for February 7-10, 2017, in the above-captioned cases. In particular, the moving defendants in Case No. 15-cr-4268-JB (Joe Lawrence Gallegos, Edward Troup, Leonard Lujan, Billy Garcia, Allen Patterson, Javier Alonso, Auturo Arnulfo Garcia, Jerry Montoya, Daniel Sanchez, Conrad Villegas, Anthony Ray Baca, Christopher Garcia, Carlos Herrera, Rudy Perez, Santos Gonzalez, and Shauna Gutierrez) request access to Documents 239, 287, 290, 295, and 296 filed in Case No. 16-cr-1613, as well as any responses and replies to those pleadings that may be sealed. The moving defendants in Case No. 16-cr-1613 (Anthony Ray Baca, Christopher Garcia, Manuel Benito, Vincent Garduno, Mandel Lon Parker, Daniel Sanchez, and Anthony Cordova) request access to Document 762 filed in Case No. 15-cr-4268.

Respectfully submitted,

/s/ Theresa M. Duncan
Theresa M. Duncan
Theresa M. Duncan, Esq.
515 Granite NW
Albuquerque, NM 87102
505-842-5196

teri@duncanearnest.com

AND

ROTHSTEIN DONATELLI, LLP

/s/ Marc M. Lowry
MARC M. LOWRY
500 Fourth Street NW, Suite 400
Albuquerque, NM 87102
(505) 243-1443
mlowry@rothsteinlaw.com

Attorneys for Anthony Ray Baca

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of January 2017, I filed the foregoing pleading electronically through the CM/ECF system, which caused counsel for Plaintiff and Defendants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Theresa M. Duncan
Theresa M. Duncan